IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 1056 of 2007(A)

PETITIONER:

S.SANKARANARAYANAN, S/O.CHELLAYYAN,
AGED 58 YEARS, MARY VILLA, PAMPADUMPARA P.O.,
NEDUMKANDAM, IDUKKI.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

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1. KERALA STATE FINANCIAL ENTERPRISES LTD., REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE, THRISSUR.

2. MANAGING DIRECTOR, KSFE LTD., THRISSUR.

3. MANAGER, KSFE LTD., M.D.COMMERCIAL CENTRE, KOTTAYAM.

4. SPECIAL DEPUTY TAHASILDAR, REVENUE RECOVERY, KSFE LTD., KOTTAYAM.

5. JAYACHANDRAN.T.C., PANAVELIKUZHIYIL HOUSE, KOMBAMMETTU, THANNIMOODU, NEDUMKANDAM P.O., IDUKKI.

BY ADV. SRI.A.K.JOHN, ADDL.SC., KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.1056 of 2007-A

Dated this the 5th day of January, 2007.

JUDGMENT

The petitioner is a surety for a loan availed of by the 5th respondent from the Kerala State Financial Enterprises Ltd. The petitioner retired from service on 31-5-2004. The 5th respondent who was a Government servant retired from service in March, 2004. Since the principal loanee failed to pay the amount due to the K.S.F.E., it has initiated revenue recovery steps to recover the amount due from the petitioner. Ext.P1 is the notice issued by the Special Deputy Tahsildar, Revenue Recovery directing the petitioner to pay the amount due in the loan account availing waiver of interest etc. provided. The petitioner submitted Ext.P2 representation before the Managing Director K.S.F.E. stating that the 5th respondent has failed to pay the loan amount, therefore effective steps may be taken against him. Thereafter, this writ petition is filed, challenging Ext.P1 and praying for a direction to dispose of Ext.P2.

2. The K.S.F.E. has filed a statement stating that the 5th respondent is facing 5 recovery proceedings. Further, he does not have any property free from attachment. The K.S.F.E. has already

moved for attaching the D.C.R.G. due to the 5th respondent.

3. The petitioner admittedly being a surety, none of the reliefs sought in the writ petition could be granted. The K.S.F.E. is free to proceed against the petitioner and the principal loanee. If any amount is recovered from the petitioner, he will be free to move against the 5th respondent for recovery of the same.

Subject to the above right, the writ petition is dismissed.

K.BALAKRISHNAN NAIR,
MS JUDGE.